

GUSRAE KAPLAN NUSBAUM PLLC

ATTORNEYS AT LAW

RICHARD DEVITA
TIMOTHY FEIL
SCOTT H. GOLDSTEIN
MARTIN H. KAPLAN
LAWRENCE G. NUSBAUM

120 WALL STREET – 25TH FLOOR
NEW YORK, NEW YORK 10005

425 BROADHOLLOW ROAD
SUITE 300
MELVILLE, NEW YORK 11747
TEL. (212) 269-1400
FAX (212) 809-4147

www.gusraekaplan.com**MEMORANDUM ENDORSED**

OF COUNSEL
ROBERT L. BLESSEY

201-803-2903

rdevita@gusraekaplan.com

March 7, 2025

Honorable Gregory H. Woods, U.S.D.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

RE: David Miller, Individually, and as Trustee for the Miller Family
Protective Trust UA 02/13/2019, versus Pressure Biosciences, Inc.;
Docket 24-8792-GHW

Dear Judge Woods:

This office represents Mr. Miller and the Miller Protective Trust in the above-captioned matter. I file this letter jointly with counsel for the Defendant who has reviewed, provided comments and consented to filing.

As the Court may note, as this matter was removed from New York Supreme based on a filing of a summons and notice; a complaint was not filed.

By letter dated January 24, 2025, the parties requested a filing deadline of February 28, 2025. That date has passed. Plaintiff did not file a Complaint, because the parties and another potential defendant are engaged in ongoing and late-stage settlement discussions. Those discussions concern settlement between multiple parties.

The parties were and are committed to a resolution, and the Parties and their counsel believe that filing the complaint, given the expressed claims that will be asserted, would be counterproductive to the anticipated resolution.

The parties respectfully request an additional time to finalize the settlement, and therefore respectfully request that the Court set April 12, 2025, as Plaintiff's deadline to file his Complaint. If the parties cannot come to an agreement by that time, the Complaint will either be filed or the matter voluntarily dismissed without prejudice.

With respect to a joint status letter and proposed case management plan, as discussed previously and raised by the Court, without the Complaint filing which would include additional Plaintiffs and an additional Defendant, such plan appears to be premature.

We thank the Court for its time and attention to this matter and remain available should Your Honor or any member of Your Honor's staff have any questions.

Respectfully yours,

RDV

Richard DeVita, Esq./ RDV 2190
GUSRAE KAPLAN NUSBAUM PLLC
120 Wall Street, 25th Floor
New York, New York 10005
201-803-2903
rdevita@gusraekaplan.com

SB

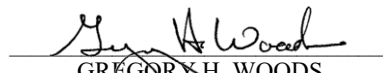
Samuel Blatnick, Esq./
LUCOSKY BROOKMAN
111 Broadway, Suite 807
New York, New York 10006
913-392-8505
amelton@lucbro.com

Application granted. Plaintiff's March 7, 2025 request for an extension of time to file a complaint in this matter, Dkt. No. 15, is granted. The deadline for Plaintiff to file a complaint is extended to April 12, 2025. The initial pretrial conference scheduled for March 11, 2025 is adjourned to May 5, 2025 at 4:00 p.m. The joint status letter and proposed case management plan described in the Court's November 22, 2024 order are due no later than April 28, 2025.

The Court appreciates that the parties are working toward an amicable resolution of this case. However, settlement discussions do not permit parties or their lawyers to disregard orders of the Court. If a party cannot meet a scheduled deadline, it may request an extension in advance of the deadline. The approach taken by counsel here—disregard of a court order, requiring the Court to prompt a response—is not appropriate. Counsel is advised that further non-compliance with court orders may result in the imposition of sanctions.

SO ORDERED.

Dated: March 10, 2025
New York, New York


GREGORY H. WOODS
United States District Judge